

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE CEMENT MASONS )  
PENSION FUND, LOCAL 502; TRUSTEES OF )  
THE CEMENT MASONS INSTITUTE OF )  
CHICAGO, ILLINOIS; TRUSTEES OF THE )  
CEMENT MASONS SAVINGS FUND, )  
LOCAL 502; and TRUSTEES OF THE CEMENT )  
MASONS APPRENTICE EDUCATION )  
AND TRAINING FUND, LOCAL 502, )

No. 08 C 2920

TRUSTEES OF THE CEMENT MASONS  
PENSION FUND, LOCAL 803; TRUSTEES OF  
THE CEMENT MASONS INSTITUTE OF  
CHICAGO, ILLINOIS; TRUSTEES OF THE  
CEMENT MASONS SAVINGS FUND,  
LOCAL 803; and TRUSTEES OF THE  
CEMENT MASONS APPRENTICE  
EDUCATION AND TRAINING FUND,  
LOCAL 803,

Judge Darrah

Magistrate Judge Nolan

Plaintiffs,

V.

R. A. BRIGHT CONSTRUCTION, INC.,  
an Illinois corporation,  
Defendant.

**MOTION FOR TURNOVER ORDER**

Plaintiffs, pursuant to the provisions of Rules 69(a) of the Federal Rules of Civil Procedure, and 735 ILCS, Section 2-1402(c)(3) move this Court to enter a Turnover Order against TCF Bank. In support of their Motion, Plaintiffs state as follows:

1. This Court entered judgment for Plaintiff and against Defendant on August 19, 2008, in the amount of \$7,825.75, for the Cement Masons Pension Fund Local 502. An unpaid balance of \$7,825.75 remains on the Judgment.
2. Plaintiffs issued a citation on TCF Bank on August 25, 2008.

3. In response to the citation, TCF Bank stated to counsel for Plaintiffs on August 29, 2008 that TCF Bank is currently holding \$7,825.75 owed to Defendant.(Exhibit A.)

4. Pursuant to Rule 69(a), proceedings supplementary to a judgment shall follow the practice and procedure of the State.

5. Pursuant to 735 ILCS Section 2-1402(c)(3), turnover may be sought from the person cited upon its Answer.

6. Plaintiffs seek an Order requiring TCF Bank. to turn over to Plaintiffs the value of the amount, which is owed to the defendant, \$7,825.75.

**WHEREFORE**, Plaintiffs, pursuant to the provisions of Rules 69(a) of the Federal Rules of Civil Procedure, and 735 ILCS, Section 2-1402(c)(3), move this Court to enter a Turnover Order against TCF Bank in the amount of \$7,825.75 in satisfaction of the outstanding judgment and full satisfaction of the citation.

TRUSTEES OF THE CEMENT MASONS  
LOCAL 502, et. al.

s/ Donald D. Schwartz  
One of their Attorneys

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
19 W. Jackson Boulevard  
Chicago, IL 60604  
(312) 236-0415

**TCF BANK  
LEGAL PROCESSING DEPT.**

MAIL CODE: 268-01-G  
500 JOLIET ROAD  
WILLOWBROOK, IL 60527-5618  
FAX #: 630-325-5178  
PH #: 630-286-5622

**Fax Cover Sheet**

To: Donald W. Schwartz

From: Erin Solava

Fax: 312-341-0438

Pages: 4

Phone:

Date: 8/29/08

Re: Answer for R.A. Bright Construction

☐ Urgent

☒ For Review

☐ Please Reply

Comments:

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If you received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank You

**Exhibit A**

Have A Great Day!



08/28/2008 THU 14:20 FAX 773 767 1963

Bo K. AND  
Branch 104

8/28/08 2:05 P.M.

215

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED

AUG 28 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

TRUSTEES OF THE CEMENT MASONS  
PENSION FUND, LOCAL 502; TRUSTEES OF  
THE CEMENT MASONS INSTITUTE OF  
CHICAGO, ILLINOIS; TRUSTEES OF THE  
CEMENT MASONS SAVINGS FUND,  
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MASONS APPRENTICE EDUCATION  
AND TRAINING FUND, LOCAL 502,

No. 08 C 2920

AUG 29 2008

TRUSTEES OF THE CEMENT MASONS  
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LOCAL 803; and TRUSTEES OF THE  
CEMENT MASONS APPRENTICE  
EDUCATION AND TRAINING FUND,  
LOCAL 803,

Judge Darrah

Magistrate Judge Nolan

Plaintiffs,

v.

R. A. BRIGHT CONSTRUCTION, INC.,  
an Illinois corporation,

Defendant.

CITATION TO DISCOVER ASSETS

TO: TCF Bank  
6141 S. Archer Ave.  
Chicago, IL 60638

YOU ARE COMMANDED to appear in the courtroom of the Honorable Judge Darrah, Courtroom 1203, 219 South Dearborn Street, Chicago, Illinois, at 9:00 a.m. on September 17, 2008, to be examined under oath concerning the property or income of, or indebtedness due Defendants. Judgment was entered against Defendant and for Plaintiffs TRUSTEES OF THE CEMENT MASONS PENSION FUND LOCAL 502, et. al., and TRUSTEES OF THE CEMENT MASONS PENSION FUND LOCAL 803, et. al., on August 19, 2008, in the amount of \$7,825.75. Of that amount, \$7,825.75 for TRUSTEES OF THE CEMENT MASONS PENSION FUND LOCAL 502, et. al., and TRUSTEES OF THE CEMENT MASONS PENSION FUND LOCAL 803, et. al., still remains unsatisfied. A copy of the Judgment entered by Honorable Judge Darrah was filed with the Clerk of the Court.

RECEIVED AUG 28 2008

AUG 29 2008

**YOU ARE COMMANDED** to produce at the examination all books, papers or records in your possession or control which may contain information concerning the property or income of Defendant(s) or indebtedness due them.

**WARNING;** Your failure to appear in Court as herein directed may cause you to be arrested and brought before the Court to answer to a charge of contempt of Court, which may be punishable by imprisonment in the County Jail.

The books and records to be produced include all personal and business or corporate checkbooks, check registers, books of account, ledger books, income and payroll tax returns and supporting documents including schedules, bank books, information regarding loans applied for and received and payments made and due, information regarding all real or personal property owned by Defendant or in which they hold any interest whatsoever, information regarding any trust or estate in which Defendant holds any interest whatsoever, records regarding all accounts receivable or amounts due to Defendant for any reason, records regarding all indebtedness of Defendant including documents creating such indebtedness and any related security interests, records regarding stocks, bonds, powers of appointment or insurance policies held by Defendant or of which they are or may be beneficiaries, records regarding all bonds or sureties for wages or performance of all construction projects of Defendant, and records regarding all jewelry, art objects and other personal property owned by Defendant.

**YOU ARE PROHIBITED** from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the Defendant or to which they may be entitled or which may be acquired by or become due to them and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to them, until the further Order of this Court or termination of these proceedings. You are not required to withhold the payment of any money beyond double the amount of the judgment.

**YOUR FAILURE TO COMPLY WITH THIS CITATION MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT OR TO A JUDGMENT FOR THE AMOUNT UNPAID.**

WITNESS, AUG 25 2008, 2008

**MICHAEL W. DOBBINS**

CLERK OF THE COURT

*J. C. Swartz*

DEPUTY CLERK

Donald D. Schwartz  
ARNOLD AND KADJAN  
19 West Jackson Boulevard  
Chicago, IL 60604-3958  
(312) 236-0415



ANSWERCase Number: 08 C 2920TCF BANK

(Citation Respondent)

, certifies under penalty of perjury that with regard to the property of the Judgement Debtor, the Citation Respondent files the following answer to this Citation to Discover Assets and is in possession of the following property of the Judgement Debtor.

Circle one or more of the following and indicate the amount held:

- |  |                    |                |
|--|--------------------|----------------|
| A) Savings Account   | Amount Withheld \$ | _____          |
| <input checked="" type="radio"/> B) Checking &/ or Now Account | Amount Withheld \$ | <u>7825.75</u> |
| C) Certificate of Deposit                                      | Amount Withheld \$ | _____          |
| D) Money Market Account  | Amount Withheld \$ | _____          |
| E) Trust Account   | Amount Withheld \$ | _____          |
| F) Safety Deposit Box  | Amount Withheld \$ | _____          |
| G) NO ACCOUNTS   | _____              | _____          |
| H) Adverse Claimant: Name:                                     | _____              | _____          |
| Address:   | _____              | _____          |
| I) Wages, Salary, etc.   | _____              | _____          |
| J) Other personal property (Describe)                          | _____              | _____          |

Attach a sheet for any additional information required by the Citation.

Sub-Total: \$ 7,825.75

Less right of offset for other loans \_\_\_\_\_

Less deduction for fees limited by  
205 ILCS 5/48.1 \_\_\_\_\_Total: \$ 7,825.75

According to the records kept by the Citation Respondent, we show the above information to be correct.

Respondent Agent:

Erin Solava  
Agent for Citation Respondent

Agent Name: Erin Solava  
Business Name: TCF Bank  
Address: Legal Processing 268-01-G  
500 Joliet Road  
Willowbrook, IL 60521  
Phone: 630-286-5622  
Fax: 630-325-5178

8-29-08  
Date

NOTE: A copy of this Answer should be mailed to the Court, Attorney for Plaintiff or Judgement Creditor, and to the Defendant

**TCF BANK  
LEGAL PROCESSING DEPT.**

MAIL CODE: 268-01-G  
500 JOLIET ROAD  
WILLOWBROOK, IL 60527-5618  
FAX #: 630-325-5178  
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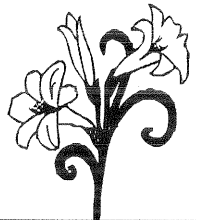
**Comments:**

*Amended answer.*

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Have A Great Day!



**ANSWER**Case Number: 08 C2920**TCF BANK**

(Citation Respondent)

TCF BANK, certifies under penalty of perjury that with regard to the property of the Judgement Debtor, the Citation Respondent files the following answer to this Citation to Discover Assets and is in possession of the following property of the Judgement Debtor.

AUG 29 2008

Circle one or more of the following and indicate the amount held:

- A) Savings Account Amount Withheld \$ 8-29-08 00
- ☒ B) Checking &/ or Now Account Amount Withheld \$ 7825.75 Amended - \$15,651.50
- C) Certificate of Deposit Amount Withheld \$ \_\_\_\_\_
- D) Money Market Account Amount Withheld \$ \_\_\_\_\_
- E) Trust Account Amount Withheld \$ \_\_\_\_\_
- F) Safety Deposit Box Amount Withheld \$ \_\_\_\_\_
- G) NO ACCOUNTS \_\_\_\_\_
- H) Adverse Claimant: Name: \_\_\_\_\_  
Address: \_\_\_\_\_
- I) Wages, Salary, etc. \_\_\_\_\_
- J) Other personal property (Describe) \_\_\_\_\_

Attach a sheet for any additional information required by the Citation.

Sub-Total: \$ 15,651.50

Less right of offset for other loans \_\_\_\_\_

Less deduction for fees

\$100.00 taken from the balance in the accountTotal: \$15,651.50 Amended Answer 8-29-08

According to the records kept by the Citation Respondent, we show the above information to be correct.

Respondent Agent:

Erin Solava  
Agent for Citation Respondent

Agent Name: Erin Solava  
Business Name: TCF Bank  
Address: Legal Processing 268-01-G  
500 Joliet Road  
Willowbrook, IL 60521  
Phone: 630-286-5622  
Fax: 630-325-5178

8-29-08  
Date

NOTE: A copy of this Answer should be mailed to the Court, Attorney for Plaintiff or Judgement Creditor, and to the Defendant



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CEMENT MASONS APPRENTICE )  
EDUCATION AND TRAINING FUND, )  
LOCAL 803, ) Magistrate Judge Nolan  
)  
Plaintiffs, )  
)  
v. )  
)  
R. A. BRIGHT CONSTRUCTION, INC., )  
an Illinois corporation, )  
Defendant. )

## TURNOVER ORDER

This matter coming to be heard on Plaintiffs' Request for Turnover Order and for entry of a Turnover Order:

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Request for Turnover Order against TCF Bank is granted.
2. TCF Bank is ordered to turnover to Plaintiffs the sum of \$7,825.75 in satisfaction of the Judgment and full satisfaction of the Citation.
3. This is a final and appealable Order.

DATED: \_\_\_\_\_

ENTER: \_\_\_\_\_  
**HONORABLE JUDGE DARRAH**